

## **REMARKS**

The Office Action rejected claims 39 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter with Applicants regard as the invention. The Office Action rejected claims 5, 13, 20, and 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,263,020 issued to Gardos et al. (“Gardos”). The Office Action rejected claims 7-10, 12, 14, 22-25, 27, 29, 31, 34, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Gardos in view of United States Patent 6,160,846, issued to Chiang et al. (“Chiang”). The Office Action rejected claims 11, 26, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Gardos in view of Chiang and in further view of United States Patent 7,079,581 issued to Noh et al. (“Noh”). The Office Action objected to claim 42 and being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The Office Action indicated that claim 39 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The Office Action also indicated that claims 1, 3, 4, 16, 18, 19, 32, 35, and 37 are allowed.

In this Amendment, Applicants have amended claims 1, 3, 4, 7, 8, 10-13, 16, 18, 19, 34, and 37-43. Applicants have canceled claims 5, 9, 14, 20, 22-29, and 31. Applicants have not added any new claims. Applicants do not surrender any equivalents to any amended limitation or elements of any claim. Accordingly, claims 1, 3, 4, 7, 8, 10-13, 16, 18, 19, 32, 34, 35, and 37-43 will be pending after entry of this Amendment. Applicants respectfully request reconsideration of the rejections.

### **I. Allowed Claims 1, 3, 4, 16, 18, 19, 32, 35, and 37**

The Office Action indicated that claims 1, 3, 4, 16, 18, 19, 32, 35, and 37 are allowed. Applicants thank the Examiner for allowing these claims.

## **II. Rejection of Claim 39**

The Office Action rejected claim 39 under § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter with Applicants regard as the invention. Specifically, the Office Action states that there is insufficient antecedent basis for the limitation of “the scaling function” in claim 39 and that it appears to be dependent on claim 9 which provides support for the claims scaling function. *See page 5 of the Office Action.*

However, the Office Action indicates that claim 39 would be allowable, and would overcome the § 112 rejection, if rewritten in independent form including all of the limitations of the base claims and any intervening claims. *See page 14-15 of the Office Action.* Applicant have amended claim 39 to be in independent form including the limitations of base claim 5 and claim 9. Applicants have also amended the claims 7, 8, 10-13, 38, and 43 to be dependent on claim 39. Accordingly, Applicants respectfully submit that claims 7, 8, 10-13, 38, 39 and 43 are in condition for allowance.

## **III. Objection of Claim 42**

The Office Action objected to claim 42 and being dependent upon a rejected base claim, but indicated that claim 42 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants have amended claim 42 to be in independent form. Applicants have also amended claims 34, 40, and 41 to be dependent on claim 42. Accordingly, Applicants respectfully submit that claims 34 and 40-42 are in condition for allowance.

## **IV. Rescission of any Prior Disclaimers and Request to Revisit Art**

Applicants do not surrender any equivalents to any amended limitation or elements of any claim. In reviewing the claims that are submitted with this Amendment, Applicants respectfully request that the Examiner review each particular claim in this application on its own without reference to past or future amendments to and arguments in support of unrelated claims in this

application. For a particular claim, unrelated claims are claims that are not in the same claim set as the particular claim. A claim set includes only the claims that depend directly or indirectly from one independent claim as well as the independent claim itself. Moreover, in reviewing the claims that are submitted with this Amendment, Applicants respectfully request that the Examiner review each particular claim in this application on its own without reference to past or future claim amendments and arguments in any application related to this application. Furthermore, in reviewing any amended claim that was previously amended, Applicants request that the Examiner disregard prior amendments to the claim that have been removed in this Amendment or substantially modified in this amendment so as to effectively remove these prior amendments. Accordingly, any prior art listed or referenced in this or any parent applications may need to be re-visited.

## CONCLUSION

In view of the foregoing, Applicants respectfully submit that all the claims, namely claims 1, 3, 4, 7, 8, 10-13, 16, 18, 19, 32, 34, 35, and 37-43, are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date.

Applicants have submitted all known required fees and petitions. Accordingly, Applicants believe that no additional fees, petitions for extensions of time, other petitions, and/or other forms of relief are required for the submission of this Amendment and Response. However, in the unlikely event that the Commissioner determines that additional fees, petitions for extensions of time, other petitions, and/or other forms of relief are required, Applicants hereby make such petitions as are required, request such extensions of time and other forms of relief as are required, and authorize the Commissioner to charge the cost of such petitions for extensions of time, other petitions, and/or other forms of relief to **Deposit Account No. 50-3804** referencing **APLE.P0037**.

Respectfully Submitted,

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Date

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